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ROBERT H. SHEMWEILL, CLERK
WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

GEORGE MURRAY : DOCKET NO. 08-0395
VS. : JUDGE MINALDI
JOHN DEROSSIER, ET AL : MAGISTRATE JUDGE KAY

REPORT AND RECOMMENDATION

On October 30, 2008, an Order [Doc. 3] was issued noting that 120 days had passed without service of process being effected on defendants. The court allowed plaintiff additional time, until November 10, 2008, to have defendants served. Plaintiff was warned that failure to serve would result in recommendation that this cause of action be dismissed.

As of December 9, 2008, there is no return of service as to defendants. Therefore, according to Local Rule 41.3W and Fed. R. Civ. P. 4(m) the undersigned recommends that this case be dismissed.

Under the provisions of 28 U.S.C. §636(b)(1)(C), the parties have ten (10) business days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN

**ERROR, THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL
CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.**

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, on December ¹⁰~~8~~,
2008.



KATHLEEN KAY
UNITED STATES MAGISTRATE JUDGE